

DISBARMENT: In re David J. Bershad and In re Steven G. Schulman, Del. Supr., Nos. 160 and 162, 2009
Effective: April 9, 2009 and March 31, 2009 respectively

The Delaware Supreme Court has ordered former Milberg Weiss lawyers David J. Bershad and Steven G. Schulman unconditionally excluded from the admission to or the exercise of any privilege to practice law in Delaware. Because neither Bershad nor Schulman were licensed to practice law in Delaware, the Court's rulings are equivalent to the sanction of disbarment. The Court's action is consistent with its goals of protecting the public, ensuring the proper administration of justice, preserving confidence in the legal profession, and deterring lawyers from ethical misconduct.

Disciplinary jurisdiction extends to lawyers who are members of the Delaware Bar, lawyers admitted by Delaware courts to participate in specific pending litigation (known as admission *pro hac vice*), and lawyers not admitted but who provide legal services in Delaware. Neither Bershad nor Schulman contested the Court's disciplinary jurisdiction; and both stipulated to the entry of the Orders by the Court. The grounds for discipline for Bershad and Schulman were violations of **Rule 8.4(b)** of the Delaware Lawyers' Rules of Professional Conduct, which provides it is professional misconduct for a lawyer to "commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects." Bershad and Schulman each admitted criminal conduct in violation of **Rule 8.4(b)**.

In filings with the Delaware Supreme Court, Bershad admitted: "I admit that I pleaded guilty to one count of conspiracy to obstruct justice by influencing, obstructing, and impeding, and endeavoring to influence, obstruct, and impede, the due administration of justice in certain lawsuits filed by my former law firm and to make or cause to be made false material declarations under oath in proceedings before the courts in which those cases were pending, in violation of Title 18, United States Code, Section 371. Included in the count to which I pleaded guilty are allegations of misconduct with respect to certain lawsuits filed by my former law firm in the Delaware Court of Chancery."

In filings with the Delaware Supreme Court, Schulman admitted: "As part of my law practice I provided legal services to clients in matters dealing with Delaware law, including legal matters for which I was granted admission *pro hac vice* in the Delaware Court of Chancery ... I admit I participated in a conspiracy which involved an agreement to secretly pay kickbacks to various individuals who would act as named plaintiffs in shareholder actions and class actions filed by my law firm Millberg Weiss."